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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,310	02/14/2006	Marcus Schorpp	915-005.205	3389

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EXAMINER

SAHLE, MAHIDERE S

ART UNIT	PAPER NUMBER
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2873

MAIL DATE	DELIVERY MODE
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02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,310

Applicant(s)

SCHORPP, MARCUS

Examiner

MAHIDERE S. SAHLE

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 4-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 4-10 is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Detailed Action.

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DETAILED ACTION

Claims 2, 4-16 are pending in this application.

Allowable Subject Matter

Claims 2, 4-10 are allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Guscho (WO 01/48531).

Regarding claim 11, Guscho discloses a method for use in a light modulating device having at least one cell (pg. 2), comprising: transferring, in a first temporal phase, at least part of a electrical charge stored in a signal electrode structure (3) of said cell to an enhancement electrode structure (42) of said cell (see figures 22a-b, pg. 49), generating an enhancement signal voltage between the enhancement electrode structure (42) and the signal electrode structure (3) using substantially only the electrical charge transferred from the

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signal electrode structure (3) to the enhancement electrode structure (42) (see figures 22a-b, abstract, pgs. 49-52), wherein the signal electrode structure (3) being arranged opposing a support electrode structure (6) of said cell such that two dielectric layers (4, 5) meeting at an interface (see figures 22a-b), at least one of said layers having a viscoelastic relief forming material (abstract), are located between the support electrode structure (6) and the signal electrode structure (3), and the enhancement electrode structure (42) being arranged in the proximity of the signal electrode structure (3) (see figures 22a-b).

Regarding claim 12, Guscho discloses further comprising: discharging, in a second temporal phase, at least part of the electric charge stored in the signal electrode structure (3) without affecting the electric charge stored in the enhancement electrode structure (42) (see figures 22a-b, pgs. 20, 49).

Regarding claim 13, Guscho discloses further comprising: discharging substantially simultaneously, in a third temporal phase, at least part of the electric charge stored in both the signal electrode structure (3) and the enhancement electrode structure (42) (see figures 22a-b, pgs. 20, 49).

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Regarding claim 14, Guscho discloses a light modulating device having at least one cell (pg. 2), comprising: means for transferring, in a first temporal phase, at least part of a electrical charge stored in a signal electrode structure (3) of said cell to an enhancement electrode structure (42) of said cell (see figures 22a-b, pg. 49), and means for generating an enhancement signal voltage between the enhancement electrode structure (42) and the signal electrode structure (3) using substantially only the electrical charge transferred from the signal electrode structure (3) to the enhancement electrode structure (42) (see figures 22a-b, abstract, pgs. 49-52), wherein the signal electrode structure (3) being arranged opposing a support electrode structure (6) of said cell such that two dielectric layers (4, 5) meeting at an interface (see figures 22a-b), at least one of said layers having a viscoelastic relief forming material (abstract), are located between the support electrode structure (6) and the signal electrode structure (3), and the enhancement electrode structure (42) being arranged in the proximity of the signal electrode structure (3) (see figures 22a-b).

Regarding claim 15, Guscho discloses further comprising: means for discharging (41), in a second temporal phase, at least part of the electric charge stored in the signal electrode structure (3) without affecting the electric charge stored in the enhancement electrode structure (42) (see figures 22a-b, pgs. 20, 49).

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Regarding claim 16, Guscho discloses further comprising: means for discharging (41) substantially simultaneously, in a third temporal phase, at least part of the electric charge stored in both the signal electrode structure (3) and the enhancement electrode structure (42) (see figures 22a-b, pgs. 20, 49).

Prior Art Citations

Whitesides et al. (USPG Pub No. 2007/0201124) and Veerasamy (USP No. 6,222,596) are each being cited herein to show an electrically controlled light modulator device that would have read on or made obvious a number of the above rejected claims, however, such rejections would have been repetitive.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHIDERE S. SAHLE whose telephone number is (571)270-3329. The examiner can normally be reached on Monday thru Thursday 7:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSS


DAVID SPECTOR
PRIMARY EXAMINER
2-4-08